

**MINUTES OF THE JOINT SPECIAL MEETING OF MADERA CITY COUNCIL, REGULAR MEETING OF THE MADERA CITY COUNCIL AS THE SUCCESSOR AGENCY TO THE FORMER MADERA REDEVELOPMENT AGENCY, AND SPECIAL MEETING OF THE MADERA CITY COUNCIL AS THE SUCCESSOR HOUSING AGENCY, CITY OF MADERA, CALIFORNIA**

May 11, 2016  
6:00 p.m.

City Hall  
Council Chambers

**1. CALL TO ORDER**

Mayor/Housing Authority Commissioner Robert L. Poythress opened the Special Meeting of the City Council, Regular Session portion of the Regular Meeting of the Housing Authority of the City of Madera and the Joint Special Meeting of the Madera City Council, Regular Meeting of the Madera City Council as the Successor Agency to the former Madera Redevelopment Agency, and Special Meeting of the Madera City Council as the Successor Housing Agency at 6:00 p.m. and called for the roll call.

**ROLL CALL**

Present: Mayor/Commissioner Robert L. Poythress  
Mayor Pro-Tem /Vice- Chairperson Charles F. Rigby  
Council Member/Commissioner Andrew J. Medellin  
Council Member /Commissioner William Oliver  
Council Member/ Chairperson Derek O. Robinson Sr.

Absent: Council Member/ Commissioner Donald E. Holley

Successor Agency staff members present: Executive Director Jim Taubert, City Attorney Brent Richardson and Recording Secretary Claudia Mendoza

City of Madera staff members present: City Administrator David Tooley, Neighborhood Preservation Specialist Nicholas Salinas, Code Enforcement Consultant Bud Crouch, Parks and Community Services Director Mary Anne Seay and Parks Planning Manager John Scarborough.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Poythress

**PUBLIC COMMENT – REGULAR SESSION**

The first fifteen minutes of the meeting are reserved for members of the public to address the Council/Agency on items which are within the subject matter jurisdiction of the Council/Agency. Speakers shall be limited to three minutes. Speakers will be asked to identify themselves and state the subject of their comment. If the subject is an item on the Agenda, the Mayor has the option of asking the speaker to hold the comment until that item is called. Comments on items listed as a Public Hearing on the Agenda should be held until the hearing is opened. The Council/Agency are prohibited by law from taking any action on matters discussed that are not on the Agenda, and no adverse conclusions should be drawn if the Council/Agency does not respond to public comment at this time.

*No comments were offered and Mayor Poythress closed the Public Comment portion of the meeting.*

*Mayor Poythress recessed the Joint Special Meeting of the Madera City Council, Regular Meeting of the Madera City Council as the Successor Agency to the former Madera Redevelopment Agency, and Special Meeting of the Madera City Council as the Successor Housing Agency at 6:02 p.m. Housing Authority Chairperson Derek Robinson opened the Regular Meeting of the Housing Authority of the City of Madera, calling for items as listed on the agenda. The Housing Authority meeting was adjourned at 6:12 p.m.*

*Mayor Poythress reconvened the Joint Special Meeting of the Madera City Council, Regular Meeting of the Madera City Council as the Successor Agency to the former Madera Redevelopment Agency, and Special Meeting of the Madera City Council as the Successor Housing Agency at 6:20 p.m.*

## **PRESENTATIONS**

### **Former Agency Member Sally Bompreszi**

Mayor Poythress presented the former Council Member Bompreszi with a plaque to honor her on behalf of the Successor Agency for all of her great contributions.

Sally Bompreszi stated that she thoroughly enjoyed her time as an agency board member. She can drive around Madera and see what we accomplished. We got the beautiful courthouse, and she continues to hope that will bring some more good things to the downtown area. She is looking forward to new things in the future.

## **INTRODUCTIONS**

**There are no items for this section.**

## **2. WORKSHOP**

### **Yard Sale Activity Presentation by Neighborhood Revitalization Department**

Neighborhood Preservation Specialist Nicholas Salinas and Code Enforcement Consultant Bud Crouch provided a presentation that is designed to demonstrate our process. The code was created to keep from week to week activity on those trying to conduct a commercial business out of their home in a residential area. Yard sales need to stick to strictly used goods and unwanted or unneeded household items. You are allowed to have a yard sale on the first full weekend of each month, which means the first Saturday and Sunday of each month.

Yard sale violations include:

- Conducting yard sales on days that are not permitted.
- Conducting yard sales outside of the permitted hours. Which is 8:00 - 4:00 p.m.
- Displaying goods in the public right of way.
- Selling commercial goods.
- Unpermitted signage.

If we see a yard sale violation, we will start with education by handing out a brochure. It gives you a good idea of what is allowable and not allowable. If it is a small yard sale, we will give 30-45 minutes depending on how many items they have in front of their home. We will be back in that amount of time and if it is still there we will issue an on-site Notice of Violation. If we find the issue again or the violation is still standing, we will issue a citation. If a Notice of Violation is issued, it is good for one calendar year. Also all of our citations issued are open to an appeal.

Part of what we are doing to inform the community is including an insert in the June's utility bill; it will be noted in the monthly newsletter; we will reach out to the newspaper outlet; we will be handing out brochures and we will be creating awareness at our Neighborhood Outreach meetings.

Mayor Poythress stated that he has noticed violations when the first lies on a Sunday. Mr. Salinas stated that we will be clearing that up with the brochure and there is some openness to interpretation. City Attorney Richardson stated that he was looking at this with Nick yesterday, and one of the issues that we have come up against is that the wording in the statute actually states first Saturday and/or Sunday and not first full weekend. The problem is when Sunday lands on the first. We will probably look for some slight revisions to clean up the ordinance and make sure it is consistent with intent.

Council Member Oliver asked how many citations have we given out? Mr. Salinas responded that we went out at the beginning of March, just covering everything south of Yosemite we tagged about ten (10) violations. We would like to create some awareness prior to enforcement. Personally I was out last weekend and there is a lot of foot traffic and noticed that people were going from one yard sale to the next. Council Member Oliver also asked are we seeing a lot of people coming from out of town to come to Madera for this one weekend a month? Mr. Salinas responded that he would not be surprised because he has seen a lot of postings on Craig's list.

Council Member Medellin asked since this is on weekends, will you patrol only the yard sale violations or will you conduct general code enforcement violations? Mr. Salinas responded that it depends on the activity that we see on Fridays when we are fully staffed. They may allocate more resources to that, but he and Bud will be focusing targeting yard sales on the unpermitted weekends.

Council Member Rigby asked if estate sales fall under yard sales? Mr. Salinas responded the code touches on all sales, which would include estate sales. Regardless of the type of sale it is it will have to be on the first full weekend of the month.

Council Member Rigby also asked how would you know if the sale is commercial and not a permitted yard sale. Would we open ourselves for a lawsuit? Mr. Richardson responded that if someone states that they are not conducting a commercial business, the case would have to be well documented.

#### **Announcement by Secretary**

***Per Government Code Section 54957.5, members of the public are advised, that less than 72 Hours prior to this evening's meeting, items 5A & 6A were provided to the City Council and staff. If you wish to obtain a copy of these items, they are located on the podium.***

Mayor Poythress called for the items as listed on the Consent Calendar.

### **3. CONSENT CALENDAR**

- 3A. Minutes of the Joint Meeting of the Special Meeting of the Madera City Council, Regular Meeting of the City Council as the Successor Agency to the former Madera Redevelopment Agency and Special Meeting of the Successor Housing Agency – April 13, 2016 (City/Successor Agency/Successor Housing Agency)**
- 3B. Listing of Warrants Issued from April 1, 2016 to April 30, 2016 (Successor Agency)**
- 3C. Monthly Financial Reports – Successor Agency (Successor Agency)**
- 3D. Monthly Financial Reports – Code Enforcement (City)**
- 3E. Code Enforcement Activity Report (City)**
- 3F. Code Enforcement Funds Collection Report for Period Ending April 30, 2016 (City)**
- 3G. Update on Neighborhood Outreach Activities (City)**
- 3H. Consideration of a Resolution Approving a Contract with the Park Associates Company Incorporated for the Purchase and Installation of Playground Equipment for the Centennial Park Playground Project and Authorizing the Mayor to Sign on Behalf of the City (City)**

Mayor Poythress asked members of the Council if there were any items on the Consent Calendar they wished to have pulled for further discussion. There were none.

*On motion by Council Member Oliver seconded by Council Member Medellin the Consent Calendar was approved unanimously as presented by the following 5/0 vote: Ayes: Council Members Poythress, Rigby, Robinson, Oliver and Medellin; Noes: None; Abstain: None; Absent: Council Member Holley; resulting in the unanimous approval of the Minutes of the Joint Meeting of the Special Meeting of the Madera City Council, Regular Meeting of the City Council as the Successor Agency to the former Madera Redevelopment Agency, and Special Meeting of the Successor Housing Agency for April 13, 2016 and resolution CC 16-62.*

#### **4. PROJECTS AND REPORTS**

There are no items for this section.

#### **5. AGREEMENTS**

##### **5A. Consideration of a Resolution Approving an Option to Purchase Agreement for Property at 1321/1399/1401/ 1403/1405/1407 East Yosemite Avenue (Successor Agency)**

Executive Director Taubert reported that the Successor Agency will consider an option to purchase property located at 1321/1399/1401/ 1403/1405/1407 East Yosemite Avenue. The option is with Mr. Louie Fimbrez for the amount of \$5,000.00. Mr. Fimbrez has expressed interest on these sites because they are located across from Rancho San Miguel. He is proposing an office building on the 34,690± sf parcel. The problem with these properties is that he will have to deal with Caltrans, Department of Fish & Game, Bureau of Reclamation and Army Corps of Engineers. He is unsure if this would be financially feasible for Mr. Fimbrez but he wants to take a shot at it. Basically the option would be for the first 90 days the price would be refundable. After 90 days, if he would like to continue, the price would be non-refundable. At nine (9) months we will appraise the property and establish a sales price.

Mayor Poythress called for any questions or comments. There were none

**Mayor Poythress called for a motion to adopt the Successor Housing Agency resolution.**

SHA 16-06 RESOLUTION OF THE CITY OF MADERA AS SUCCESSOR AGENCY TO THE FORMER MADERA REDEVELOPMENT AGENCY APPROVING AN OPTION AGREEMENT WITH LOUIE FIMBREZ TO PURCHASE REAL PROPERTY LOCATED IN THE CITY OF MADERA AND AUTHORIZING THE MAYOR TO EXECUTE THE OPTION

*On motion by Council Member Rigby, seconded by Council Member Oliver, **Resolution Number SHA 16-06** was approved unanimously as presented by the following 5/0 vote: Ayes: Council Members Poythress, Rigby, Robinson, Oliver and Medellin; Noes: None; Abstain: None; Absent: Holley.*

#### **6. HOUSING**

##### **6A. Consideration of a Resolution Approving Sales Agreement for Property at 702 Lilly Street (A.P.N. 008-102-008) and 706 Lilly Street (A.P.N. 008-102-007) (Successor Housing Agency)**

Executive Director Taubert reported that it is unusual for a Successor Agency to purchase property this late in the game. However, he would like to point out by previous action, the former Redevelopment Agency displaced 63 low income households in conjunction with the Riverwalk Project and eleven (11) households in conjunction with the Courthouse Project. Early on in the dissolution process, he pointed out to the Department of Finance that Health and Safety Code Section 33413 did not eliminate our requirement to provide replacement housing. The Department of Finance agreed that we are obligated to provide it but did not give the funding to do that. So we are proposing that we utilize the land sale proceeds from infill/Sugar Pine, the Bravo loan repayment and the Nebraska/Central properties be used to fund the acquisition/demolition of this property. Most of



you are aware of property that this property is directly north of the Hunter property that we purchased in June.

Mayor Poythress called for any questions or comments. There were none

**Mayor Poythress called for a motion to adopt the Successor Housing Agency resolution.**

SHA 16-05 RESOLUTION OF THE SUCCESSOR HOUSING AGENCY TO THE FORMER MADERA REDEVELOPMENT AGENCY, MADERA, CALIFORNIA, APPROVING AGREEMENT WITH JAMES MASSETTI AND JOAN MASSETTI, AS TRUSTEES OF THE JAMES MASSETTI TRUST, DATED MARCH 16, 1994, FOR THE PURCHASE OF REAL PROPERTY KNOWN AS 702 AND 706 LILLY STREET, IN THE CITY OF MADERA AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ACCEPT THE PROPERTY ON BEHALF OF THE CITY OF MADERA, AS SUCCESSOR HOUSING AGENCY TO THE FORMER MADERA REDEVELOPMENT AGENCY

*On motion by Council Member Robinson, seconded by Council Member Oliver, **Resolution Number SHA 16-05** was approved unanimously as presented by the following 5/0 vote: Ayes: Council Members Poythress, Rigby, Robinson, Oliver, Medellin and Holley; Noes: None; Abstain: None; Absent: Council Member Holley.*

## **7. GENERAL**

**7A. MUSD (Marty Bitter) requests a letter of support from the Madera City Council for a PEP Grant to support health and wellness for Madera's Youth (City)**

**Mayor Robert Poythress moved this item to occur before the workshop.**

Mr. Marty Bitter stated that a couple of years ago, he became the Director of Athletics. There was not a lot of cohesiveness in our elementary PE Program and it did not articulate through middle school and high school. A part of that was a lack of equipment and you could see all of the results in lack of physical fitness scores. So part of my goal is to find ways to teach kids more about nutrition and get them more active. Not just in PE but out in the community and in the class room. The Carol M. White Physical Education Program (PEP) Grant is a huge opportunity for our district. It is an extremely competitive grant. Sanger Unified has a very high profile elementary PE Program and part of the reason is the last six years they have been funded through this grant and their grant is about to run out. We were unable to apply before because it has not been offered in the last three years. So this year they are going to offer fifteen grants across the United States. They anticipate 800 – 1,000 applicants. So we are trying to put together the best plan possible. The grant will probably be between \$500,000 – \$700,000 a year for the next three years. What we can do with that is increase awareness, provide more equipment, train teachers, improve our parent resource centers and have family and community activity nights once a month. We would like a letter of support from the City of Madera to partner with us and continue all of the wonderful things that are already doing in our after school program. We can work cohesively and make our community more aware of being healthy.

Council Member Rigby asked if this grant specifically for elementary schools and would it be used for salaries. Mr. Bitter responded that it is not specific for elementary, we will go all the way across k-12. Also, it is not just for equipment. We will work with the dairy council and work with parents on how to cook healthy meals. Some of the funds will go to those projects and salaries. Although the salaries are basically for the Project Coordinator. We have also requested a part time employee at the parent resource center that can work specifically on these items with the parents. We also will develop curriculum. We are going to start taking the Spark Program and re train the PE teachers and class room teachers. We will provide curriculum to the middle and high school students as well. Currently we go by the California State Standards, but we do not have a specific curriculum. In speaking with

the our high school and middle school people, the text books are over 20 years old. All of this stuff needs to be updated.

Council Member Rigby asked if this is a financial endeavor that you will oversee. Mr. Bitter responded that he will oversee this program. Part of the application process is to put your budget together.

Council Member Medellin thanked Mr. Bitter for coming down and stated that when you speak about community, Madera Unified is not standing alone. This is our entire community. Mr. Mayor if I may I would like to make motion to grant a letter of support for Marty and Madera Unified for the PEP program.

*On motion by Council Member Medellin, seconded by Council Member Rigby, a letter of support was approved unanimously as presented by the following 5/0 vote: Ayes: Council Members Poythress, Rigby, Robinson, Oliver and Medellin; Noes: None; Abstain: None; Absent: Holley.*

#### **8. AGENCY MEMBER REPORTS**

Council Member Robinson attended a meeting for the Community Garden. We are trying to get it off of the ground and make it more useful for our citizens.

Mayor Pro Tem Rigby had nothing to report.

Council Member Medellin had nothing to report.

Council Member Oliver had nothing to report.

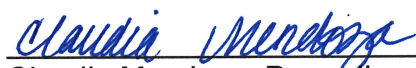
Mayor Poythress had nothing to report.

#### **9. CLOSED SESSION**

There are no items for this section.

#### **10. ADJOURNMENT**

*Mayor Poythress adjourned the Joint Special Meeting of the Madera City Council, Regular Meeting of the Madera City Council as the Successor Agency to the former Madera Redevelopment Agency, and Special Meeting of the Madera City Council as the Successor Housing Agency at 6:46 p.m.*



Claudia Mendoza, Recording Secretary



Robert Poythress, Mayor